



Town of Merrimack, New Hampshire

Community Development Department

603 424-3531

6 Baboosic Lake Road

Fax 603 424-1408

Town Hall - Lower level - East Wing

www.merrimacknh.gov

Planning - Zoning - Economic Development - Conservation

Memorandum

Date: May 17, 2022

To: Richard Conescu, Chair, & Members, Zoning Board of Adjustment

From: Timothy J. Thompson, AICP, Community Development Director

Subject: **Black Diamond Development, LLC. (petitioner) and MM Reality Trust (owner)**
– Variance under Section 2.02.3.B of the Zoning Ordinance to permit an industrial warehouse use in the C-2 (General Commercial) District. The parcel is located at 734 DW Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. Tax Map 7E, Lot 31. ZBA Case # 2022-17.

The following information is provided to aid in your consideration of the above referenced case. Additional background and application materials are included in your packet.

Background

The subject parcel, Map 7E, Lot 31, is approximately 6.93 acres in size and is located at 734 DW Highway in the C-2 (General Commercial) and Aquifer Conservation Districts. The site is currently an automotive junkyard and automotive sales operation (Majestic Motors), and is abutted by the industrial building containing Nuthin' But Good Times and the parcel considered in Case #2022-16 to the north, the Everett Turnpike to the west, the Maple Ridge multi-family residential development and the 7-Eleven/Car Wash to the south, and the Crosswoods Path development to the east.

The petitioner seeks to construct an industrial warehouse on the commercially zoned property, whereas such use is not permitted.

Standard of Review

It is the burden of the petitioner to demonstrate that the five criteria for the granting of the variance under Section 22.02.3.B of the Zoning Ordinance to permit an industrial warehouse use in the C-2 (General Commercial) District, are met.

Should the Board find that the petition meets the variance criteria; staff recommends that any approval be conditioned upon the following:

- 1) The petitioner shall obtain site plan approval from the Planning Board for the industrial warehouse development.

Ec: Black Diamond Development, LLC, Petitioner
MM Realty Trust, Owner
Matt Peterson, Keach-Nordstrom

Cc: Building Department Staff
John Manuele, Fire Marshal
Zoning Board File